

ANN BAVENDER*
ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN*
ERIC FISHMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
CHARLES H. KENNEDY*
KATHRYN A. KLEIMAN
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
M. VERONICA PASTOR*
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
KATHLEEN VICTORY*
HOWARD M. WEISS

*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

HILDRETH@ATTMAIL.COM

ROBERT L. HEALD
(1956-1983)
PAUL D.P. SPEARMAN
(1936-1982)
FRANK ROBERSON
(1936-1981)

RETIRED
RUSSELL ROWELL
EDWARD F. KENEHAN
FRANK U. FLETCHER

OF COUNSEL
EDWARD A. CAINE*

WRITER'S NUMBER
(703) 812-

0420

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JAN 27 1995

January 27, 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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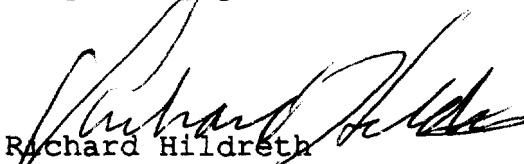
Re: Amendment of Section 73.202(b), Table of Allotments,
FM Broadcast Stations (Burlington, Colorado; Brewster,
Kansas) (MM Docket No. 94-134; RM-8538)

Dear Mr. Caton:

On behalf of KNAB, Inc., there is transmitted herewith an original and four copies of its "Reply Comments and Motion to Dismiss Petition for Rulemaking."

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,


Richard Hildreth
Counsel for KNAB, Inc.

RH:mah
Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)

)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Burlington, Colorado;)
Brewster, Kansas))

MM Dkt. No. 94-134
RM-8538

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**REPLY COMMENTS AND
MOTION TO DISMISS PETITION FOR RULEMAKING**

KNAB, Inc., licensee of KNAB(AM) and KNAB-FM, Burlington, Colorado ("KNAB"), by its attorneys, submits its reply to the Comments filed by Bruce Corman, Kay Hanley, and Charley P. Barnes ("Petitioners"), and requests that the Commission dismiss the Petition For Rulemaking filed by those parties ("Petition"), in the above-captioned proceeding in which it is proposed to amend the FM Table of Allotments to add Channel 257C1 at Burlington, Colorado. With respect thereto, the following is presented:

1. In its Notice Of Proposed Rulemaking, the Commission notified Petitioners that their Petition For Rulemaking "failed to include an affidavit verifying that the statements contained in the petition are accurate to the best of their knowledge," as required by Section 1.52 of the Commission's rules when a document is filed by a party not represented by counsel. The Commission further stated that in the absence of such verification the petition would be dismissed.


2. While the Commission did not initially dismiss the Petition when it was filed, it did so only on the condition that

the Petitioners rectify this fatal flaw in their comments. Yet in their Comments filed in this proceeding, the Petitioners failed entirely to include the mandatory verification. Accordingly, Petitioners's Petition must be dismissed for failure to conform to the Commission's rules and failure to comply with the Commission's directive contained in the Notice. Given the facts present here, the Commission has no choice but to dismiss the Petition.

Wherefore, the premises considered, it is respectfully requested that the Commission dismiss the Petition.

Respectfully submitted,

KNAB, INC.

By: 
Richard Hildreth
Ann Bavender
Its Attorneys

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

January 27, 1995

CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Reply Comments and Motion to Dismiss Petition for Rulemaking" were sent this 27th day of January, 1995, by first-class United States mail, postage prepaid, to the following:

Bruce Corman
Kay Hanley
Charley P. Barnes
c/o Charley P. Barnes
524 15th Street
Burlington, CO 80807

Mary A. Haller
Mary A. Haller